

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 16-936V
(not to be published)

GEORGE M. GAVIN,

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Special Master Corcoran

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Petitioner,

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Filed: October 17, 2017

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v.

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Decision; Attorney's Fees and Costs;
Influenza ("flu") Vaccine; Guillain-
Barre Syndrome ("GBS").

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Jeffrey A. Golvash, Brennan, Robins & Daley, P.C., Pittsburgh, PA, for Petitioner.

Amy Paula Kokot, U.S. Dep't of Justice, Washington, DC, for Respondent.

ATTORNEY'S FEES AND COSTS DECISION¹

On August 4, 2016, George Gavin filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("Vaccine Program").² Petitioner alleged that he suffered from Guillain-Barre Syndrome as a result of his September 16, 2013, receipt of the influenza vaccine. Petition at 1 (ECF No. 1). The parties filed a stipulation for damages on August 3, 2017 (ECF No. 18), which I adopted by decision that same day. ECF No. 19.

Petitioner has now filed a motion requesting final attorney's fees and costs, dated October 4, 2017. *See* ECF No. 25. Petitioner requests reimbursement of attorney's fees and costs in the

¹ Although this Ruling has been formally designated "not to be published," it will nevertheless be posted on the Court of Federal Claims's website in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 (2012). **This means the ruling will be available to anyone with access to the internet.** As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the Ruling in its present form will be available. *Id.*

² The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) ("Vaccine Act" or "the Act").

combined amount of \$13,429.93 (representing \$12,552.00 in attorney's fees, plus \$877.93 in costs). *Id.* Respondent has represented that she does not object to the sum requested. *See* Response, dated Oct. 17, 2017 (ECF No. 26). In accordance with General Order No. 9, Petitioner also represented that he did not incur any personal litigation expenses in conjunction with this proceeding.

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, an award of \$13,429.93 should be made in the form of a check payable jointly to Petitioner and Petitioner's counsel, Jeffrey A. Golvash, Esq. of Brennan, Robins & Daly, P.C. Payment of this amount represents all attorney's fees and costs available under 42 U.S.C. § 300aa-15(e). In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of Petitioner's motion.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.